

MEMO ENDORSED

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October 7, 2022

BY ECF

Hon. Katharine H. Parker
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Mizuta et al. v. New York City Department of Education et ano.
1:22-cv-5142 (GHW)(KHP)

Your Honor:

I am an Assistant Counsel in the Office of the Corporation Counsel assigned to represent New York City Department of Education and David C. Banks ("Defendants") in the above-referenced action. Plaintiffs seek to overturn a decision of a State Review Officer pursuant to the Individuals with Disabilities Education Act (IDEA). I write jointly with Plaintiffs' counsel, Ashleigh Rousseau, Esq, in connection with the initial pre-trial conference currently scheduled for October 11, 2022. s

First, the parties apologize for the tardiness of this submission. A proposed Case Management Plan is attached. However, in light of the fact that the allegations in the Complaint concern an underlying administrative hearing, of which there is a certified record, the parties jointly and respectfully suggest that no discovery in this action is required. For that reason, the parties also request that the initial pre-trial conference currently scheduled for October 11, 2022 be adjourned sine die. Finally, the parties respectfully request that the Court adopt the following briefing schedule for the parties' cross motions for summary judgment, which will allow for time to obtain a certified copy of the administrative record:

- Plaintiffs' motion for summary judgment due on or before January 13, 2023;
- Defendants' cross motion for summary judgment and opposition to Plaintiffs' motion due on or before February 24, 2023;
- Plaintiffs' opposition to Defendants' cross motion due on or before March 10, 2023;
- All parties' replies due on or before March 24, 2023.

*Initial Case Management
Conference adjourned. Briefing
schedule adopted. The parties
shall inform the Court by letter
if they would like to schedule a
summary judgment conference.
So ordered.
Katharine H. Parker
USDC SDNY 10/7/22*

This is the first request to adjourn the initial conference and it is being made jointly. If the request is granted, it would not affect any other deadlines.

Thank you for your consideration of this request.

Respectfully submitted,

/s/ MGT
Mark G. Toews
Assistant Corporation Counsel

cc. BY ECF
Plaintiffs' counsel